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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,965	05/31/2001	John Lacombe	1662-30400 JMH (P00-2943)	9110

			EXAMINER
22879	7590	03/31/2005	PATEL, NITIN C

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ART UNIT	PAPER NUMBER
2116	

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/870,965	LACOMBE ET AL.
	Examiner	**Art Unit**	
	Nitin C. Patel	2116	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _23 March 2005_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-24_ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-24_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on _31 May 2001_ is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1.   This is in responsive to amendment filed on 23 March 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Hauck et al. [hereinafter as Hauck], US Patent 6,026,454 [cited in previous office

action], and further in view of Colleran et al. [hereinafter as Colleran], US Patent

6,850,257 B1.

3.   As to claims 1, 7, 14 and 24, Hauck discloses an interface and information

transfer method between device driver program and application program for computer

system comprising, an operating system with at least two protection levels [hardware,

and software] [col. 5, lines 11 – 22]; a watchdog driver [watchdog driver program] [col.

8, lines 7 – 10]; at least one computer application [extended services server program,

col. 12, lines 35 – 36]; and a reset service [watchdog circuit to generate reset, col. 12,

lines 47 - 48, fig. 22], wherein the watchdog driver [watchdog driver program] observes

at least one application [extended services server program] for a periodic message

[periodic call] from and initiated by the application [extended services server program]

and wherein if the periodic message [periodic call] is not received for a predetermined

period of time [every 10 sec], the watchdog driver [watchdog driver program] instructs

the reset service to initiate a reset procedure [watchdog circuit to generate reset] [col. 5,

lines I 1 - 22, col. 12, lines 33 - 49, fig. 2].

However, Hauck does not teach a user configurable reset service that can be

configured to reset the application without resetting the operating system [OS].

Colleran discloses a system and method for managing application programs that

detect if the application is hung or frozen and providing an user interface [UI] [user

configurable reset service] that permits functionalities including closing of application by

a user without risking rebooting the entire system [col. 3, lines 45 – 54, lines 62 – 67,

col. 4, lines 1 - 17].

It would have been obvious to one of ordinary skill in art, having the teachings of

Hauck and Colleran before him at the time of invention was made, to modify the

interface for multiplexing and reformatting information transfer between the device driver

program and application program to include an user interface [UI] [user configurable

reset service] that permits functionalities including closing of application by a user

without risking rebooting the entire system [col. 3, lines 45 – 54, lines 62 – 67, col. 4,

lines 1 – 17], in order to obtain method and system for executing application program

that provide a UI for closing the frozen or hung application without risking rebooting

entire system resulting in possible loss or damage to the hardware, and thread may be

replaced by independently scheduled code segments that may be executing on different

machines or processors without any loss of generality [col. 3, lines 46 – 54, col. 4, lines

18 - 29].

4.   As to claim 2, Hauck teaches a computer system with a message passing [information transfer] interface to transmit signals between the two protection levels [hardware and software], wherein the watchdog driver [watchdog driver program] executes in one protection level [layer] and the application executes in another protection level [layer] and wherein the periodic message [periodic call] is transmitted from the application [extended services server program] to the watchdog driver [watchdog driver program] through the message passing [message transfer] interface. [col. 2, lines 20 - 32, col. 12, lines 35 - 67, col. 13, lines 16 – 67].

5.   As to claims 3, and 15, Hauck teaches the message passing [information transfer] interface is a shred memory queue [server storage][col. 1, lines 21 - 33, col. 2, lines 20 – 32].

6.   As to claims 4 - 6, and 22 - 24, Hauck teaches reset service to close and restart the application upon receiving instruction to initiate the restart procedure and establishes time events [col. 5, lines 11 - 22, col. 12, lines 46 - 48, col. 13, lines 16 – 32].

7.   As to claim 8, Hauck teaches if system thread does receives a message from one of said applications [programs], the time event corresponding to said application is updated to reflect time plus the allotted period of time [update software timer] [col. 13, lines 16 – 32].

8.   As to claim 9, Hauck teaches that the messages from said application are sent. periodically [every 10 seconds] by applications [program] and directed specifically to watchdog driver [watchdog driver program] [col. col. 12, lines 39 – 42].

9.   As to claim 10, Hauck teaches the interface to transfer information between the watchdog driver and application [title of prior invention].

10.   As to claim 11, Hauck teaches the configuration to execute a welcome message through the parallel port for the user and user response [col. 8, lines 45 – 50], therefore he teaches to generate error logging and multiple application reset too.

11.   As to claim 12 Colleran discloses the plurality of application prioritized by a computer user [user interface handled by user] and to permit varying [placing] the levels [high priority] [col. 4, lines 1 – 5].

12.   As to claim 13, Hauck discloses to perform a system reset [fig. 10].

13.   As to claims 16 - 18, Hauck discloses an interface and information transfer method between device driver program and application program for computer system [col. 5, lines 11 - 22, col. 8, lines 7 - 10, fig. 3] therefore, he teaches different interface arrangement, method and protocols too.

14.   As to claims 19, and 20 Hauck teaches setting up timer events with operating system scheduler that alerts watchdog driver [watchdog program] program when pre-configured amount of time has elapsed, and resetting the timer events [col. 10, lines 29 - 32, col. 12, lines 35 - 49, col. 13, lines 25 – 28].

15.   **Examiner's note**: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing

responses, to fully consider the references in entirety as potentially teaching all or part

of the claimed invention, as well as the context of the passage as taught by the prior art

or disclosed by the Examiner.

16.   **Prior Art not relied upon**: Please refer to the references listed in attached PTO-

892, which, are not relied upon for claim rejection since these references are relevant to

the claimed invention.

17.   Applicant's arguments with respect to claims 1, 7,14, and 21 have been

considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nitin C. Patel whose telephone number is 571-272-

3675. The examiner can normally be reached on 6:45 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Lynne H. Browne can be reached on 571-272-3670. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

LYNNE H. BROWNE
SUPERVISORY PATENT EXAMINER
Nitin C. Patel   **TECHNOLOGY CENTER 2100**
March 28, 2005